

**REMARKS**

**1. The 35 USC §103(a) Rejections of Claims 13 and 16 over Srinivas and Bierenbaum**

The Examiner had asserted that claims 13 and 16 were made obvious by Srinivas and Bierenbaum. Applicants disagree and strongly assert that the invention is fundamentally different from Srinivas.

- The invention, which was explained and summarized in the last Response, provides a breathable film whose structure is in the form of a three dimensional reticulated or interconnected network of uniformly distributed microcracks created in a two step stretching process. The invention features compatibilization and porosity in the matrix. Owing to the use of compatibilizers, higher bond strength exists between the two phases of the blend.
- By contrast, Srinivas does not provide a breathable film with a three dimensional reticulated network. There is no mention of pores in the films according to Srinivas. Srinivas provides a cold drawn film comprising two components in which the cracks are created without delay. No use of compatibilizing copolymers is featured in Srinivas (col. 10, lines 17-20). Instead, Srinivas relies on a weak interface between the polymer components (col. 10, lines 1-10). Upon commencement of the stretching step (identification of the minimum draw), cracks form right away (col. 11, lines 20 et seq.).

The foregoing distinctions show the essential difference between the invention and Srinivas, relied upon as the basis for all of the Examiner's rejections in this action. The invention is not suggested by Srinivas; as stated before, there is no hint of a breathable membrane having a three dimensional structure with compatibilization produced in two stretching steps (hot and cold). Insofar as all of the other rejections made rely essentially on Srinivas with the other references brought in for further limitations, these

distinctions are sufficient to overcome all of them. However, at this point, Applicants wish to make the following distinction with regard to US Pat. No. 3,426,754.

- US Pat. No. 3,426,754 (Bierenbaum) features a breathable film produced by a cold stretch that is composed of a single blend. There is no polymer blend and hence no interface which can produce the kind of reticulated structure of the invention. It is thus totally different and in no way anticipates the invention nor does the combination of Srinivas and Bierenbaum render obvious the invention.

Applicants strongly assert the foregoing fundamental difference between Srinivas and the invention and request withdrawal of the rejections and reconsideration of the claims.

2. The 35 USC §103(a) Rejection of Claim 14 over Srinivas, Bierenbaum, and Perez

Because as explained above, the invention is not made obvious by Srinivas, the combination of Srinivas, Bierenbaum, and Perez cannot make obvious the claim 14. Bierenbaum is in fact totally different from the invention insofar as it features not a polymer blend, as does the invention, but rather a single polymer.

3. The 35 USC §103(a) Rejection of Claim 15 over Srinivas , Bierenbaum, and Japanese Patent No. 58-020273

The rebuttal of obviousness rejections based on Srinivas is sufficient to overcome this rejection.

4. The 35 USC §103(a) Rejections of Claims 17-20 over Srinivas, Bierenbaum, and Fisher

Same as above.

5. The 35 USC §103(a) Rejections of Claims 21-23 and 26-30 over Srinivas, Bierenbaum, and Shibata

Same as above.

6. The 35 USC §103(a) Rejection of Claim 24 over Srinivas, Bierenbaum, Shibata, and Perez

Same as above.

7. The 35 USC §103(a) Rejection of Claim 25 over Srinivas, Bierenbaum, Shibata, and Japanese Patent No. 58-020273

Same as above.

8. The 35 USC §103(a) Rejections of Claims 31-38 over Srinivas and Bierenbaum

Same as above.

9. The 35 USC §103(a) Rejections of Claims 39-48 over Srinivas, Bierenbaum, and Shibata

Same as above.

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**F e s**

The fee for a two month extension of time has been enclosed. No other fees are believed to be required for this Response and Amendment. However, should any further fees be necessitated hereby, authorization is hereby given to charge Deposit Account no. 11-1153 for any underpayment.

**CONCLUSION**

Entry of the foregoing remarks into the record of the above identified application is respectfully requested. Withdrawal of all rejections and reconsideration of the amended claims is requested. An early allowance is earnestly sought.

Respectfully submitted,

  
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